

January 28, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0300735**

DON WEBERG

Code Enforcement Appeal

Location: 28416 Southeast 224th Street

Appellants: **Donald Weberg and Kenneth Voorhees**
28416 Southeast 224th Street
Maple Valley, WA 98038
Telephone: (425) 432-7217

King County: Department of Development and Environmental Services,
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 205-1528
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Deny appeal

Department's Final Recommendation:

Deny appeal

(Extend Date of Compliance To February 19, 2004)

Examiner's Decision:

Extend Date of Compliance to March 17, 2004

EXAMINER PROCEEDINGS:

ISSUES/TOPICS ADDRESSED:

- Time extension

SUMMARY OF DECISION: Code enforcement notice and order is affirmed, with extension of time granted.

Hearing Opened:

January 20, 2004

Hearing Closed:

January 20, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On November 9, 2003, the King County Department of Development and Environmental Services issued a notice of King County Code Violations; civil penalty order; abatement order; notice of lien; duty to notify (“notice and order”) to Donald Weberg. The property subject to the notice and order is located at 28416 Southeast 224th Street in unincorporated King County. Donald Weberg is the owner of the subject property; Kenneth Voorhees was residing on the property at the time the notice and order was issued.
2. The notice and order alleged violations of the King County Code, uniform building code (as adopted by King County), the revised code of Washington and the Washington Administrative code, all as specifically set forth in the notice and order. The substance of the alleged violations is the construction of and occupancy of an addition to buildings on the premises; placement of containers in excess of 120 square feet; and installation of a wood burning stove, all without required permits and inspections; and accumulation and storage of auto parts, vehicles and heavy equipment, salvage materials and debris. The Appellant has not contested the substance of the allegations. The testimony and exhibits presented by the code enforcement section representative substantiate the allegations of violations, and the Examiner finds the said violations to exist, as alleged in the notice and order.
3. A timely appeal of the notice and order was filed by Donald Weberg and Kenneth Voorhees. The statement of appeal describes circumstances of hardship, and requests a three month period of time from December 17, 2003, within which the Appellants state that they can get “everything moved and cleaned up.” Under the circumstances described in the Appellants’ statement, a three month period of time to apply for permits and accomplish the required cleanup of the property is a reasonable time.

CONCLUSIONS:

1. The violations alleged in the notice and order (exhibit no. 2) exist on the subject property. The notice and order, including the penalties stated therein, should be enforced in accordance with the King County Code and the laws of the state of Washington.
2. The Appellants should be granted an extension of time within which to accomplish the requirements set forth in the notice and order to bring this property into compliance with the King County Code and the laws of the state of Washington. Three months from the date of the Appellants’ statement of appeal is a reasonable time, and should be granted.

DECISION:

The appeal of the notice and order which is the subject of this proceeding is **DENIED** and the notice and order is affirmed, subject to the modification that the Appellants are granted until March 17, 2004 to bring the subject property into compliance.

ORDERED this 28th day of January, 2004.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED this 28th day of January, 2004, by certified mail to the following parties:

Donald Weberg and Kenneth Voorhees
28416 Southeast 224th Street
Maple Valley, WA 98038

TRANSMITTED this 28th day of January, 2004, to the parties and interested persons of record:

Kenneth Voorhees
28416 SE 224th St.
Maple Valley WA 98038

Don Weberg
28416 SE 224th St.
Maple Valley WA 98038
MS OAK-DE-0100

Elizabeth Deraitus
DDES/LUSD
Code Enf. Supvr.

Patricia Malone
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

DenoBi Olegba
DDES/LUSD
Code Enforcement
MS OAK-DE-0100

Heather Staines
DDES/BSO
Code Enf.-Finance
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JANUARY 20, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300375.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was DenoBi Olegba, representing the Department. The Appellants did not appear.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES report to the Hearing Examiner for January 20, 2004
- Exhibit No. 2 DDES Notice and Order dated December 9, 2003
- Exhibit No. 3 Notice and Statement of Appeal dated December 17, 2003
- Exhibit No. 4 Copies of applicable King County Code sections
- Exhibit No. 5 Photograph of subject property (1 color copy)
 - 5A Photograph (1 color copy) showing vehicles at front of property
 - 5B Photograph (1 color copy) view from neighboring property of shed in question

- 5C Photograph of subject property (1 color copy)
- 5D Photographs (4 color copies) showing vehicles in 5A, barn, and petroleum fluids
- Exhibit No. 6 Violation Notice dated September 3, 2003
- 6A Do Not Occupy Notice dated September 3, 2003
- Exhibit No. 7 Copy of Assessor's report on subject property

JNO:gao
E0300735 RPT